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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,299	07/22/2003	John Bryan Harvey	HOLO 1144 PUS	7881
41131	7590	12/28/2004	EXAMINER	
KENNETH EARL DARNELL 2010 WEST SEVENTH STREET COFFEYVILLE, KS 67337			TSIDULKO, MARK	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,299

Applicant(s)

HARVEY, JOHN BRYAN

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 12/06/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 39-45 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 18, 19, 21-27, 30-38, 46 is/are rejected.
- 7) ☒ Claim(s) 9, 12-17, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The submission of amendment filed on 12/06/04 is acknowledged. At this point new claims 21-46 have been added and the remaining claims left unchanged. Thus, claims 1-46 are at issue in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 10, 21, 26, 30, 34, 37, 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Molnar (US 4,799,136).

Referring to Claims 1, 10 Molnar discloses (Figs.1, 2) a luminaire having a lamp housing [12], a lamp [16] and a reflector means [14a,b] mounted within housing for directing a light an a asymmetric distribution (Abstract).

Referring to Claims 2, 19, 21, 38 Molnar discloses (Fig.2) a refractor (col.2, lines 63-68).

Referring to Claim 4 Molnar discloses (Fig.2) a main reflector having a curvilinear reflective surface and a secondary reflector carried by the housing and mounted behind the light source.

Referring to Claims 7, 26, 34Molnar discloses (Fig.2) side reflectors [15a,b] (col. 2, lines 54-56).

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Referring to Claims 21, 30 Molnar discloses (Figs. 1, 2) a luminaire having a lamp housing [12], a lamp [16] and a reflector means mounted within housing for directing a light an a asymmetric distribution (Abstract) including a main reflector [14b] having a curvilinear reflective surface and a secondary reflector [14a] mounted behind the lamp.

Referring to Claim 37 the light directed onto the surface of the panel will be inherently symmetric in a plane substantially normal to the surface [20] (e.g. in a direction parallel the length of the device).

Referring to Claim 46 Molnar discloses (Figs. 1, 2) a luminaire having a lamp housing [12], a lamp [16] being disposed equidistantly from side edges of the illuminaire and a reflector means mounted within housing for directing a light an a asymmetric distribution (Abstract) including a main reflector [14b] having a curvilinear reflective surface and a secondary reflector [14a] mounted behind the lamp.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, 18, 23, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar (US 4,799,136) in view of Henderson et al. (US 4,173,037).

Referring to Claims 3, 11, 23, 31 Molnar discloses the instant claimed invention except for vertical orientation of the lamp in the housing.

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Henderson et al. disclose a luminaire provided asymmetric light distribution (col.1, lines 54, 55) and having vertically positioned lamp. This allows to use side reflectors more effectively, because of receiving more light from the source and without of using their surfaces to locate the sockets of the lamp arranged along the main reflector.

Referring to Claim 18 Molnar discloses a lamp disposed in the housing equidistantly from side edges.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the luminaire of Molnar having a vertically positioned lamp, as shown by Henderson et al. in order to increase total reflectivity of the device.

Claims 5, 6, 8, 24, 25, 27, 32, 33, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar (US 4,799,136) in view of Barthel (US 4,027,151).

Referring to Claims 5, 6, 24, 25, 32, 33 Molnar discloses the instant claimed invention except for that the main reflector is parabolic and the secondary reflector is elliptical in a contour.

Barthel discloses luminaire used a combination of parabolic and elliptical reflectors in order to obtain an even light distribution of a planar surface (col.1, lined 37-40).

Referring to Claims 8, 27, 35 since Molnar discloses side reflectors, but does not disclose the finish of the reflective surface, it will of course be understood that a high reflectance finish will increase reflective characteristics of the device and improve an illumination.

Referring to Claim 36 it is understood that any desired finish (high or low) may be used for reflective surface depending on necessity.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the secondary reflector having an elliptical surface, as taught by Barthel for the device of Molnar, in order to obtain an even light distribution of a planar surface.

Allowable Subject Matter

Claims 9, 12-17, 28, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claims 9, 28 the prior art fails to show a luminaire wherein the lamp is disposed in proximity to the reflective side surface.

Referring to Claims 12, 29 the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Claims 13-17 are objected as claims depended on claim 12.

Claims 20, 39-45 are allowed.

Referring to Claims 20 and 39 the prior art fails to show a luminaire wherein a vertically oriented lamp is more closely spaced relative to one side of the housing and the light being directed onto the surface of the panel in an asymmetrical distribution.

Claims 40-45 are allowed as claims depended on claim 39.

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Response to Arguments

Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

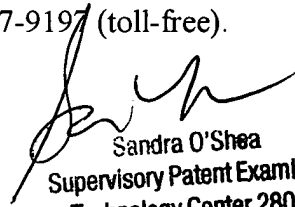
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
December 22, 2004


Sandra O'Shea
Supervisory Patent Examiner
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